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19 39-40-~~46~~ **File No.** 3770/36

B CLASS

P.W. DEPARTMENT
M. BRANCH

Subject:— Electric License
Ratnāgiri
Application by Mr. V.V. Nadkarny
for the revival & assignment of—

B[K] 194

File No. 3770/36 - M.

Bld. Scotb. Slip 84-A

Std. Sectt. 78A e.

G.R., G D., No 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 3770/36

P.W. DEPT.

M. BRANCH.

References :-

Date.	To whom sent.	Notes and instructions.

Office of the R.L.A.

The first question for consideration in this case is whether there is any legal objection to the refund of a part of the security deposit which has been forfeited to Govt. under Govt. Notification No.9937/27, dated 12th June 1939 and whether it is necessary to amend the said notification for sanctioning such refund. The lisence in this case was revoked by Govt. in exercise of its power s under section 4 of the Indian Electricity Act, 1910 while the security deposit was forfeited under clause 8 of the licenseb. That clause provides that if the license is revoked, the security deposit shall be liable ~~to be liable~~ to be forfeited. The clause gives ablolute descretion in the matter to Govt, and it is open to it to forfeit the whole of the deposit or any portion thereof. It would therefore be legal for Govt. Notificatinn referred to above and to direct that a portion only of such deposit shall be forfeited. As however the order of forfeiture it embodied in the notfication, it would be necessary to amend it.

2. The second question for consideration is whether the licensee can be permitted to sell and under taking to Khandke, It is stated that the licensee has not executed any work in execution of the undertaking. If that is so, as stated in the opinion of the Solicitor to Govt. no questin of a sale of the undertaking arises.

Id. Dhurandhar
Remembrancer of Legal Affairs.

U.R.re the P.W.D. No.12768, dated the 8th Dec, 1039.

The Ratnagiri Electric License, 1936: Refund of the part of the Security deposited: Orders regarding the:-

GOVERNMENT OF BOMBAY.

Public Works Department.
Resolution No. 3770/36.
Bombay Castle, 3rd January 1940.

Read Governemtn Resolution No. 9939/27, dated the 12th June 1939.

Read letter from the Mr. V.V. Nadkarny, dated the 18th July 1939.

Read Government Letter No. 3770/36-M, dated the 14th September 1939, to Mr. V.V. Nadkarny.

Read Letter from Mr. V.V. Nadkarny, dated the 19th September 1939, as under:-

" I beg to acknowledge receipt of your letter No. 3770/36, dated the 14th instant informing me that the Government is unable to cancel revocation of the above license.

This has given me a perfect shock. I was all the while anticipating that the Government would be in a position to revive the License in view of the fact that Mr. D.N. Khankhe, to whom I proposed to transfer the License, has deposited with Government a sum of Rs.5,000 to prove his bona-fides and ability to carry out the Electric Scheme.

As already mentioned in my previous correspondence to you I have suffered a very heavy loss in this affair I had not only incurred preliminary expenses for obtaining the License but I had also spent a substantial amount for floating a Company as well as for purchases of Machinery, etc. The whole of this amount is now gone out of my pocket leaving me in utter financial ruin.

I would now request you to be kind engough to cancel the forfeiture of the deposit amount and pass orders to refund the same to me, at your early convenience after taking into consideration the unfortunate situation in which I am placed at present. I shall eve

over feel obliged for t his your action.

Thanking you,

Read memorandum from the Electrical Engineer to Government No.L. 59/2615, dated the 11th October 1939.

Read memorandum from the Remembrancer of Legal Affirs, No.12768, dated the 8th December 1939.

Resolution:- The Government of Bombay is pleased to direct that out of the security of Rs.2,000 deposited by Mr. V.V.Madkamay in connection with the Ratnagiri Electric Lisence, 1936, and forfeited to Government under Government Resolution, No.9937/27, dated the 12th June 1939, half the amount viz.Rs.1,000 should be refunded to him. The Government Notification No. 9937/27, dated the 12th June 1939, should be amended accordingly.

By order etc of the Governor of Bombay.
Sd/- H.M.HAMMETT).
Deputy Secretary to Government.

L.P.W.D.T.165,

To

* The General Department.
* The Finance Department (with a copy of the Govt.Resolution No,9937/27,dated the 12th June 1939.)
* The Commissioner,Southern Division.
* The Superintending Engineer,Southern Circle,
* The Collector of Ratnagiri.
* The Remembrancer of Legal Affairs.
* The Electrical Engineer to Government.
* TheExecutive Engineer,Ratnagiri Division.
* The Executive Engineer,Electrical Division.
* The Accountant General, Bombay (with the copy of Govt. Resolution No.9937/27,dated the 12th June 1939.) *With Copy of Govt.Notification.

No. of 1940.
Copy forwarded for information and guidance to.

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 3rd January 1940.

No.3770/36.-- The Government of Bombay is pleased to amend Government Notification, Public Works Department, No.9937/27, dated the 12th June 1939, as follows:-

(1) In paragraph 3 of the said notification--

(a) between the words "that" and "the" where they occur for a second time in line two insert the words "out of".

(b) after the word "license" in line four, insert the words and figures "rupees one thousand (Rs.1,000)".

(2) In paragraph 4 of the said notification --

After the words "to forfeit" in line three insert the words and figures "a sum of Rupees one Thousand (Rs.1,000) out of ".

By order of the Governor of Bombay,

C.E.AITKEN
Secretary to Government.